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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,742	04/13/2001	Frederic D'Allest	P07174US00/RFH	2888

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EXAMINER

IQBAL, KHAWAR

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 06/25/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/833,742

Applicant(s)

D'ALLEST, FREDERIC

Examiner

Khawar Iqbal

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 11-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grube et al (6104925) and further in view of Stewart et al (5930708).

Regarding claims 11 and 20 Grube et al teaches a telecommunication system enabling user's terminals that are distributed over a plurality of different territories constituting micro-networks to be put into communication with one another and with at least one operator network, comprising at least one relay satellite (44) provided with means for communicating (ABSTRACT, FIG.2)

with at least one call and control center (12,14) connected to an operator network (col.4, lines 32-40), and

with a plurality of base stations (24,34) each allocated to a specific one of said territories and each having a switching station (16,26,60) for setting up local connections between the user's terminals (20,22,30,32) distributed in the specific territory thereof and for setting up outside connections with the call center via the satellite (44) only, said outside connectors being for incoming or outgoing calls other than calls internal to the territory (col. 5, lines 18-65, col. 8, lines 1-25, fig. 2). Grube et al teaches when the request is received, the system interface determines whether

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subscribers that are identified to participate in the group communication are located in the terrestrial and/or satellite system and establishes satellite communication link for subscribers affiliated with satellite communication system and terrestrial communication link for subscriber affiliated with terrestrial communication system. Once communication link are established, systems interface arbitrates transmissions, which ensures each subscriber in the group of subscribers receives the transmission. Grube et al does not specifically teach switching means for setting up local connections between the user's terminals.

In an analogous art, Stewart et al teaches switching means for setting up local connections between the user's terminals (figs. 1-2, col. 4, lines 35-55). The ground station has a router for establishing the direct link between the two handsets without establishing the satellite remote link when the two handsets are both located in the same local cell. The router establishes the satellite link between the two handsets when the second handset is located outside and remote to the local cell. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Grube et al by specifically adding features switching means reduces communications traffic to and from satellites in order to increase system's overall capacity as taught by Stewart et al.

Regarding claim 12 Grube et al teaches wherein a terrestrial portion of the base stations are components of standard cellular radiotelephone networks (col. 4, lines 40-45).

Regarding claim 13 Grube et al teaches wherein each base station comprises a station subassembly having a base station transceiver and at least a digital cellular network controller, a local switch arranged for directly establishing communications, through at least an antenna, between distant fixed terminals and mobile user's terminals located in the territory served by the base station (col. 4, lines 32-60).

Regarding claim 14 Grube et al teaches wherein each of said base stations comprises a subassembly having a base station transceiver, a digital cellular network controller and a local switch for directly establishing communications with local terrestrial networks (col. 4, lines 32-60, fig. 2).

Regarding claim 15 Grube et al teaches further comprising direct satellite links between at least two of said micro-networks and traffic interconnection capacities on-board said satellite (col. 4, lines 32-60).

Regarding claim 16 Grube et al teaches further having a direct terrestrial link, by wire or microwave beam between two said base stations (fig. 2).

Regarding claims 17 and 8 Grube et al teaches wherein said outside connections via the satellite are carried out on a broadband carrier dedicated to the outcoming traffic toward the base stations, with addressing by an identification header and over a plurality of carriers each having a passband narrower than that of the broadband, each dedicated to one base station for outcoming traffic from the base station (col. 10, lines 1-35).

Regarding claim 19 Grube et al teaches having a plurality of communication center and selection means located in the base station for selecting among the communication centers from the base station (col. 8, lines 1-25).

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 11-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHAWAR IQBAL whose telephone number is 703-306-3015.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **BANKS-HAROLD, MARSHA**, can be reached at 703-305-4379.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231


**or faxed to:**

**(703) 872-9314 (for Technology Center 2684 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Khawar Iqbal

  
**CHARLES APPIAH**  
**PRIMARY EXAMINER**